

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TOMMY D. LAY, II ,

Plaintiff,

v.

Case No.: 2:23-cv-584-JLB-KCD

STORM SMART BUILDING
SYSTEMS, INC.,

Defendant.

_____ /

ORDER

Plaintiff Tommy D. Lay moves to amend his complaint to identify the correct defendant. (Doc. 12.) Federal Rule of Civil Procedure 15 provides that a party “may amend its pleading once as a matter of course within 21 days after serving it.” Fed. R. Civ. P. 15(a)(1). Since service has not been perfected, Lay is entitled to amend the complaint as a matter of course and his motion is granted in that respect. Lay must file his amended complaint as a separate docket entry.

Although not entirely clear, Lay’s motion also seems to ask the Court for a new summons. That request is denied. To the extent Plaintiff needs a new summons, he is directed to fill out the appropriate forms (one for each defendant) and present them to the clerk’s office, where a clerk will sign them and stamp them with the court’s seal.

Accordingly, it is now **ORDERED**:

1. Plaintiff's Motion Amending Complaint Pursuant to Federal Rules of Civil Procedure, Rule 15 & 4 is **GRANTED IN PART AND DENIED IN PART** as set forth above.

2. Plaintiff is directed to file his amended complaint as a separate docket entry.

ENTERED in Fort Myers, Florida this October 20, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record